

SENATE BILL 1524

By Burchett

AN ACT to amend Tennessee Code Annotated, Section 50-6-110, relative to alcohol and drug use.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-110(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) No compensation shall be allowed for an injury or death due to the employee's willful misconduct or intentional self-inflicted injury, or in which the employee's intoxication or illegal drug usage was a contributing cause of the injury.

SECTION 2. Tennessee Code Annotated, Section 50-6-110(c)(1), is amended by deleting the first two sentences of the subdivision and by substituting instead the following:

In cases where the employer has implemented a drug-free workplace pursuant to chapter 9 of this title, if the injured employee has, at the time of the injury, a blood alcohol concentration level equal to or greater than eight hundredths of one percent (.08%) for non-safety sensitive positions, or four hundredths of one percent (.04%) for safety-sensitive positions, as determined by blood or breath testing, or if the injured employee has a positive confirmation of a drug as defined in § 50-9-103, then it is presumed that such drug or alcohol was a contributing cause of the injury. This presumption may be rebutted by a preponderance of the evidence that such drug or alcohol was not a contributing cause of injury.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.